

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEVEN WAYNE BONILLA,  
Plaintiff,  
v.  
NANCY E. O'MALLEY, et al.,  
Defendants.

Case No. [17-cv-00276-VC](#) (PR)

**ORDER OF DISMISSAL WITH  
PREJUDICE**

Re: Dkt. No. 2

Plaintiff Steven Wayne Bonilla, a state inmate, has filed a *pro se* civil action under 42 U.S.C. § 1983 against Alameda County District Attorney Nancy O'Malley and the Alameda County District Attorney's Office<sup>1</sup> and has filed a motion for leave to proceed *in forma pauperis*. Bonilla has been disqualified from proceeding *in forma pauperis* under 28 U.S.C. § 1915(g) unless he is "under imminent danger of serious physical injury" at the time he filed his complaint. 28 U.S.C. 1915(g); *In re Steven Bonilla*, No. C 11-3180 CW (PR); *Bonilla v. Dawson*, No. C 13-0951 CW (PR).

The allegations in this complaint do not show that Bonilla was in imminent danger at the time of filing. Therefore, the motion to proceed *in forma pauperis* is denied. Moreover, even if the IFP application were granted, his lawsuit would be barred under *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Accordingly, the case is dismissed with prejudice.

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<sup>1</sup> The caption on the Court's docket incorrectly states the defendant in this case is Sandra Margulies. The Clerk is directed to change the caption to reflect the correct defendants.

This Order terminates docket number 2.

The Clerk shall enter a separate judgment and close the case.

**IT IS SO ORDERED.**

Dated: January 31, 2017



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VINCE CHHABRIA  
United States District Judge